

IN THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application.

1. (Canceled)

2. (Currently Amended) A chimeric promoter capable of local gene expression in plants of an operably linked nucleic acid sequence, wherein the expression is induced by a pathogen elicitor treatment, a pathogen infection, or both, wherein the promoter comprises comprising:

- (i) two or more *cis*-acting elements sufficient to direct~~[[:]]~~ the pathogen-elicitor-~~specific~~ induced expression of ~~[[a]]~~ the nucleic acid sequence, the pathogen-infection-~~specific~~ induced expression of ~~[[a]]~~ the nucleic acid sequence, or both, wherein ~~at least one of~~ said two or more *cis*-acting elements consists of the nucleotide sequence of SEQ ID NO: 11, and
- (ii) a minimal promoter,

wherein induction of said local gene expression upon the pathogen elicitor treatment and/or the pathogen infection is at least about 10-fold higher than its activation, if any, by abiotic stress between 10-fold and 15-fold.

3. (Currently Amended) A chimeric promoter capable of local gene expression in plants of an operably linked nucleic acid sequence, wherein the expression is induced by a pathogen elicitor treatment, pathogen infection, or both, wherein the promoter comprises comprising:

- (i) two or more *cis*-acting elements sufficient to direct~~[[:]]~~ the pathogen-elicitor-~~specific~~ induced expression of ~~[[a]]~~ the nucleic acid sequence, the pathogen-infection-~~specific~~ induced expression of ~~[[a]]~~ the nucleic acid sequence, or both, wherein at least one of said two or more *cis*-acting elements consists of the

nucleotide sequence of SEQ ID NO: 11, and

(ii) a minimal promoter,

further comprising a *cis*-acting element having the nucleotide sequence selected from the group consisting of: SEQ ID NO: 1 and SEQ ID NO: 2.

4-7. (Canceled)

8. (Previously Presented) The chimeric promoter of claim 2, 3, 42, 43, 47 or 49, wherein at least two of said *cis*-acting elements are separated by a spacer of between about 4 to 10 base pairs.

9. (Previously Presented) The chimeric promoter of claim 2, 3, 42, 43, 47 or 49, wherein at least two of said two or more *cis*-acting elements are separated by a spacer of between about 50 to 1000 base pairs.

10-21. (Canceled)

22. (Currently Amended) An isolated *cis*-acting element sufficient to direct pathogen-elicitor-specific expression, pathogen-infection-specific expression, or both, of an operably linked nucleic acid, wherein the element consists ~~consisting~~ of the nucleotide sequence of SEQ ID NO: 11.

23-38. (Canceled)

39. (Currently Amended) A promoter obtainable by a method of rendering a gene responsive to pathogens, wherein the method comprises ~~comprising~~ inserting at least one *cis*-acting element sufficient to direct pathogen-elicitor-specific induced expression, pathogen-infection[[-]] ~~specific~~ induced expression, or both, of an operably linked nucleic acid, into the promoter of said gene, wherein (1) induction of local gene expression in plants upon elicitor

treatment, pathogen infection, or both, is between 10-fold and 15-fold and wherein the at least one *cis*-element comprises SEQ ID NO: 11, or (2) induction of local gene expression in plants upon the pathogen eliciter treatment, the pathogen infection, or both is at least about 10-fold higher than its activation, if any, by abiotic stress ~~15-fold~~ and the at least one *cis*-acting element comprises two copies of SEQ ID NO: 11, or a combination of one copy of SEQ ID NO: 11 and one copy of SEQ ID NO: 7.

40-41. (Canceled)

42. (Currently Amended) A chimeric promoter capable of local gene expression in plants of an operably linked nucleic acid sequence, wherein the expression is induced by elicitor treatment, pathogen infection, or both, wherein the promoter comprises ~~comprising~~:

- (i) two or more *cis*-acting elements sufficient to direct~~[[;]]~~ the pathogen-elicitor-~~specific~~ induced expression of ~~[[a]]~~ the nucleic acid sequence, the pathogen-infection-~~specific~~ induced expression of ~~[[a]]~~ the nucleic acid sequence, or both, wherein at least one of said two or more *cis*-acting elements comprise at least one copy of the nucleotide sequence of SEQ ID NO: 11~~[[;]]~~ , and at least one copy of the nucleotide sequence of SEQ ID NO: 7, and
- (ii) a minimal promoter.

43. (Previously Presented) The chimeric promoter according to claim 42, wherein the two or more *cis*-acting elements comprise two copies of the nucleotide sequence of SEQ ID NO: 11 and two copies of the nucleotide sequence of SEQ ID NO: 7.

44. (Previously Presented) A recombinant gene comprising the chimeric promoter of claim 2, 3, 8, 9, 39, 42, 43, 47 or 49.

45. (Previously Presented) A vector comprising the chimeric promoter of claim 2, 3, 8, 9, 39, 42, 43, 47 or 49.

46. (Currently Amended) A method for the production of transgenic plants, transgenic plant cells or transgenic plant tissues, wherein the method comprises comprising introducing a chimeric promoter according to claim 2, 3, 8, 9, 39, 42, 43, 47 or 49, into the genome of ~~said plant, plant cell or plant tissue~~ plants, plant cells or plant tissues to produce the transgenic plants, the transgenic plant cells and/or the transgenic plant tissue.

47. (Currently Amended) A chimeric promoter capable of local gene expression in plants~~[[,]]~~ of an operably linked nucleic acid sequence, wherein the expression is induced by elicitor treatment, pathogen infection, or both, wherein the promoter comprises comprising:

(i) two or more *cis*-acting elements sufficient to direct~~[[,:]]~~ the pathogen-elicitor-specific induced expression of ~~[[a]]~~ the nucleic acid sequence, the pathogen-infection-specific induced expression of ~~[[a]]~~ the nucleic acid sequence, or both, and

(ii) a minimal promoter,

wherein induction of said local gene expression upon the pathogen elicitor treatment and/or pathogen infection is at least about 10-fold higher than its activation, if any, by abiotic stress 15-fold, the ~~chimeric promoter~~ two or more cis-acting elements comprising:

two copies of SEQ ID NO: 11, or

the combination of one copy of SEQ ID NO: 11 followed by one copy of SEQ ID NO: 7, or

the combination of four copies of SEQ ID NO: 11 followed by four copies of SEQ ID NO: 7.

48. (Canceled)

49. (Currently Amended) A chimeric promoter capable of local gene expression in plants~~[[,]]~~ of an operably linked nucleic acid sequence, wherein the expression is induced by elicitor treatment, ~~upon a~~ pathogen infection, or both wherein, the promoter comprises comprising:

- (i) two or more *cis*-acting elements sufficient to direct~~[[a]]~~ the pathogen-
elicitor-~~specific~~ induced expression of ~~[[a]]~~ the nucleic acid sequence, ~~the~~ pathogen-
infection-~~specific~~ induced expression of ~~[[a]]~~ the nucleic acid sequence, or both,
wherein at least one of the two or more *cis*-acting elements consists of the
nucleotide sequence of SEQ ID NO: 11, and
- (ii) a minimal promoter,
- further comprising a *cis*-acting element having the nucleotide sequence selected from the group
consisting of: SEQ ID NO: 3 and SEQ ID NO: 4.